IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4721 of 2003

For Approval and Signature:

Hon'ble MR.JUSTICE KSHITIJ R.VYAS
and
Hon'ble MR.JUSTICE AKSHAY H.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

LILIBEN D/O HARIBHAI MADHABHAISIONCE DECEASED THROUGH
Versus
SPECIAL LAND ACQUISITION OFFICER

Appearance:
1. Special Civil Application No. 4721 of 2003
MR GM AMIN for Petitioner No. 1-1/1
MR RC KODEKAR, AGP for Respondent No. 1-2

CORAM : MR.JUSTICE KSHITIJ R.VYAS
and
MR.JUSTICE AKSHAY H.MEHTA

Date of decision: 02/05/2003

ORAL JUDGEMENT

(Per : MR.JUSTICE KSHITIJ R.VYAS)

Rule. Mr. Kodekar, Ld. AGP waives service of rule on behalf of the respondents.

2. With the consent of the learned advocates appearing for the parties, the petition is taken up for final hearing today.

3. The petitioner is the owner and occupier of the land bearing survey no. 412/2 situated in the Sim of village Harsoli, Taluka Dahegam, District Gandhinagar. The petitioner's land was acquired for the purpose of Narmada main canal. Respondent no. 1 declared award on June 21, 1991 by Award No. 15 of 1989. It appears that some of the claimants had made applications u/S. 18 of the Land Acquisition Act (hereinafter referred to as 'the Act') and the Reference Court has vide judgment dated 31/1/2002 enhanced the additional amount of compensation at the rate of Rs.30.90 per sq. mtr.

4. The present petitioner has filed application u/S. 28A of the Act on 20th December, 2002 before the Special Land Acquisition Officer. It is the grievance of the petitioner that even though the said application is pending since long, the said respondent is not deciding that application filed by the petitioner.

5. Having heard the learned counsel appearing for the parties and having gone through the averments made in this petition, we dispose of this petition by directing the respondent no. 1 to declare the award u/S. 28A of the Act and to disburse the amount of compensation with interest in accordance with law. The said respondent shall undertake this exercise within a period of three months from the date of receipt of writ of this order. Rule made absolute with no order as to costs.

[KSHITIJ R. VYAS, J.]

[AKSHAY H. MEHTA, J.]

* Pansala